

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
at CHATTANOOGA

STACY STROBL, *et al.*,)
v.)
Plaintiffs,) Case No. 1:24-CV-140
PAUL CROFT, *et al.*,) Judge Curtis L. Collier
Defendants.) Magistrate Judge Steger

ORDER

Before the Court is Plaintiffs' response to the Court's Order to Show Cause of July 23, 2024, and Plaintiffs' motion to extend their time to move for entry of default against certain Defendants. (Doc. 56.)

Plaintiffs explain that they failed to timely move for entry of default against the Defendants in question due to an internal docketing error, which led counsel to believe the deadline applied to the defaulting parties. (Doc. 57 at 3–4.) Plaintiffs argue their error qualifies as excusable neglect under Rule 6(b) of the Federal Rules of Civil Procedure, which allows a court to extend a deadline for good cause “on motion made after the time has expired if the party failed to act because of excusable neglect.” Fed. R. Civ. P. 6(b)(1)(B). Plaintiffs argue each of the factors for excusable neglect set out in *Pioneer Investment Services Co. v. Brunswick Associates Limited Partnership*, 507 U.S. 380 (1993), either weigh in favor of a finding of excusable neglect or are neutral. (Doc. 57 at 2–6.) Plaintiffs also attach as an exhibit copies of the documents they have prepared to request entry of default against each of the Defendants in question. (*Id.* at 6 & Doc. 57-1.)

Based on Plaintiffs' arguments and authority, the Court finds good cause to extend the deadline to move for entry of default and further finds that Plaintiffs' failure to meet the deadline

was the result of excusable neglect as required for an extension under Rule 6(b)(1)(B). Therefore, the Court **DISMISSES** its Show Cause Order of July 23, 2024 (Doc. 54), and **GRANTS** Plaintiffs' motion (Doc. 56) for an extension of time to move for entry of default against Defendants Jonathan Frost, ROI Fund I, LLC, ROI Fund II, LLC, ROI Fund III, LLC, ROI Fund IV, LLC, Croft & Frost, PLLC, and Chestnut Holdings, LLC, Rhino Onward International, LLC, and Scorpio Ref, LLC. Plaintiffs shall **FILE** motions for entry of default against these Defendants within **fourteen (14) days** of the entry of this Order.

SO ORDERED.

ENTER:

/s/
CURTIS L. COLLIER
UNITED STATES DISTRICT JUDGE